

**Notice of Allowability****Application No.**

09/781,917

**Applicant(s)**

FISHER ET AL.

**Examiner**

KELLY L. JERABEK

**Art Unit**

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAI decision rendered 8/9/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-40 and 43-59.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/KELLY L. JERABEK/  
Primary Examiner, Art Unit 2622



**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory Koerner on 8/16/2012.

The application has been amended as follows:

Please cancel claims 41 and 42.

***Allowable Subject Matter***

**Claims 1-40 and 43-59 are allowed.**

The following is an examiner's statement of reasons for allowance:

The rejections of claims 1-40 and 43-59 under 35 U.S.C. § 102(b) as anticipated by Squilla (US 6,396,537) and 35 U.S.C. § 103(a) based upon the teachings of Squilla (US 6,396,537), Creamer (US 6,930,709), Qian (US 6,950,130), Aihara (US 6,223,190), Anderson (US 6,177,957), Sarbadhikari (US 5,477,264), Harada (US 6,195,511),



Berstis (US 6,721,001), Silverbrook (US 6,894,694), Park (US 6,731,305), Kondoh (US 6,968,058), Satoh (US 5,717,496), Tullis (US 6,535,243) and Steinberg US 6,006,039 have been reversed by the board of patent appeals and interferences.

Re claims 1-40 and 43-52 and 59, the prior art fails to teach or suggest, "A system and method for manipulating image data, comprising: a data source configured to store one or more ancillary data files, said data source being implemented as a computer in a distributed computer network of multiple remote intercommunicating computers; an imaging device configured to capture said image data, said imaging device being physically remote from said computer; and an ancillary data module for transferring said one or more ancillary data files in an ancillary data flow from said data source directly to said imaging device for manipulating said image data, said ancillary data module performing on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to then remotely select said one or more ancillary data files that are stored on said computer, and to manually trigger a download of said one or more ancillary data files from said computer to said imaging device, **said one or more ancillary data files being selected and downloaded through selection decisions that are able to be made in all instances only by said system user, said selection decisions being made in all instances prior to said download of said ancillary data files**, said on-line management procedures occurring while an active bi-directional electronic communication path



currently exists from said imaging device to said computer through said distributed computer network, said one or more ancillary data files including one or more image data files that said imaging device combines with said image data to create a new composite image that integrates both said image data and at least one of said ancillary data files into a single image”.

Re claims 53-58, the prior art fails to teach or suggest, “A system for manipulating image data, comprising: a data source configured to store one or more ancillary data files, said data source being implemented as a computer in an Internet network of multiple remote intercommunicating computers; an imaging device configured to capture said image data, said imaging device being physically remote from said computer; and an ancillary data module for transferring said one or more ancillary data files in an ancillary data flow from said data source directly to said imaging device for manipulating said image data, said ancillary data module performing on-line management procedures during which a system user interactively and manually utilizes said imaging device to remotely view said one or more ancillary data files that are stored on said computer, to remotely manipulate said one or more ancillary data files while said one or more ancillary data files are stored on said computer, to then remotely select said one or more ancillary data files while said one or more ancillary data files are stored on said computer, and to manually trigger a download of said one or more ancillary data files from said computer to said imaging device, **said one or more ancillary data files being selected and downloaded through selection decisions**



**made only by said system user, said selection decisions being made prior to said download of said ancillary data files**, said on-line management procedures occurring while an active bi-directional electronic communication path currently exists from said imaging device to said computer through said distributed computer network, said one or more ancillary data files including one or more image data files that said imaging device combines with said image data to create a new composite image that integrates both said image data and at least one of said ancillary data files into a single image”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached at (571) 272-7320. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kelly L. Jerabek/

Primary Examiner, Art Unit 2622